

**RULES
OF
THE UNIVERSITY OF TENNESSEE AT MARTIN**

**CHAPTER 1720-5-1
STUDENT CONDUCT**

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1720-5-1-.01 INTRODUCTION.

- (1) The University of Tennessee at Martin, as an educational institution, is primarily concerned with providing learning experiences for its students. Through participation in curricula and extracurricular activities, the student has an opportunity to develop a foundation for intelligent participation in society, a successful career, and a meaningful personal life.
- (2) To discharge its responsibility successfully, the University needs the understanding support and the thoughtful assistance of each student. In the academic world, it is especially important that persons conduct themselves with regard for the rights and privileges of others, demonstrating respect for the law and for order in the affairs of the University.
- (3) The policies and procedures described in the following pages have been established to assure that the affairs of the University are conducted in an orderly manner, to point out the duties and responsibilities of its students, and to insure their rights and privileges.

Authority: *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64. Administrative History:* Original rule filed September 15, 1976. Repeal and new rule filed May 27, 1986; effective August 12, 1986. Amendment filed October 31, 1990; effective January 29, 1991.

1720-5-1-.02 RIGHTS.

- (1) **ACCESS.** Within the limits of its facilities and resources, The University of Tennessee at Martin is open to all students who are qualified by its admission standards.
- (2) **PARTICIPATION IN POLICY MAKING.** Students may participate in the orderly process of formulating and changing policies, regulations, and procedures that affect their welfare. It is expected that such participation will occur through appropriate student government agencies and University committees.
- (3) **FAIR EVALUATION OF PERFORMANCE.** Students may expect their academic performance to be evaluated only on an academic basis and may expect their teachers to make clear the basis for the evaluation used in their classes. They should feel free to take reasoned exceptions to opinions or views expressed by an instructor, but they are responsible for learning the content of any course of study for which they are enrolled and may expect to be tested on it.

A student alleging unfair methods or bases of evaluation should appeal first to the teacher, then if desired to the department head, the dean of the school, and the academic vice chancellor. Alternatively, the matter may be reported to the Vice Chancellor for Student Affairs for consultation.

(Rule 1720-5-1-.02, continued)

- (4) **FAIR DISCIPLINARY HEARING.** Students have the right to a fair hearing and an opportunity for appeal when charged with violations of the standards of conduct that have been established for University students.
- (5) **FREEDOM FOR UNWARRANTED SEARCH.**
 - (a) Entry by University authorities into occupied rooms in residence halls or University apartments will be divided into two categories: inspection and search. Inspection is defined as entry into a room to ascertain health and safety conditions, to make repairs, or to perform cleaning and janitorial operations. Search is defined as entry into a room by campus authorities for the purpose of investigating suspected violation of campus regulations and/or local, state, or federal laws.
 - (b) On-campus authorities will not enter a room for purposes of search without the permission of the resident unless they have a campus authorization to search, authorized by the Vice Chancellor for Student Affairs or his designee which specifies the reasons for the search and the objects or information sought or unless they enter in compliance with state law. If possible, the student should be present during the search. Normally these searches will not be made unless the Vice Chancellor for Student Affairs or his designee is present.
 - (c) In case the search reveals objects the possession of which violates a law or a University regulation, the University may take appropriate disciplinary action even though the objects were not listed on the search authorization.
- (6) **FREEDOM FROM ABUSE OR HARASSMENT DURING AN INTERROGATION.** No form of intimidation will be used by University authorities to coerce admissions of guilt.

Authority: *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64. Administrative History:* Original rule filed September 15, 1976. Repeal and new rule filed May 27, 1986; effective August 12, 1986. Amendment filed October 31, 1990; effective January 29, 1991. Amendment filed January 13, 1999; effective May 31, 1999.

1720-5-1-.03 STANDARDS OF CONDUCT.

- (1) When persons enroll in The University of Tennessee at Martin, they retain the rights and duties of a citizen. Additionally, they must assume the duties and observe the regulations imposed by the University community.
- (2) Failure or refusal to comply with the rules and policies established by the University may subject the offender to disciplinary action up to and including permanent dismissal from the University.
- (3) The policies and procedures described below have been established to insure the rights and privileges of all members of the University community, to communicate the expectations of the community to its members and to provide a basis for orderly conduct of the affairs of the University.
- (4) Misconduct for which students are subject to discipline include the following categories:
 - (a) Plagiarism, cheating, knowingly furnishing false information to the University or other similar forms of dishonesty in University-related affairs.
 - (b) Forgery, alteration, destruction or misuse of University documents, records, or identification.

(Rule 1720-5-1-.03, continued)

- (c) Obstruction or disruption of teaching, research, administration, disciplinary procedures or other University activities, including its public service functions, or of other authorized activities on University premises.
- (d) Physical abuse of any person, or other conduct which threatens or endangers the health or safety of any person, whether such conduct occurs on or off University property. In no event shall this rule be construed to prevent speech protected by the First Amendment to the United States Constitution.
- (e) Theft, misappropriation, illegal possession of, or sale of or damage to property of the University, of an organization affiliated with the University, of a member of the University community or of (a) campus visitor(s).
- (f) Unauthorized use of or entry to University facilities (including computer facilities) and unauthorized possession of keys to University facilities.
- (g) Unlawful use, manufacture, possession, distribution, or dispensing of drugs or alcohol on University property or during University activities.
- (h) Disorderly conduct, or lewd, indecent, or obscene conduct or expression; distributing on University-owned or -controlled property, or at University-sponsored or supervised functions printed materials that are libelous, scurrilous, or that encourage violation of public laws and University regulations.
- (i) Possession, while on University-owned or -controlled property, or at University-sponsored or supervised activities, of any weapons such as, but not limited to, rifles, shotguns, ammunition, handguns, and air guns, including explosives such as firecrackers, etc., unless authorized in writing by an official in the Public Safety Office.
- (j) Failure to pay promptly all University bills, accounts, and other University financial obligations when due.
- (k) Gambling on University-owned or -controlled property.
- (l) Gathering of groups of students on or adjacent to the campus in manner which causes damage to public or private property, causes injury to persons, or interferes with the orderly functioning of the University, or the normal flow of traffic.
- (m) Commission of an act, or an attempt to commit an act, on University property, or involving members of the University community (i.e. faculty, staff, student, or campus visitor) that would be in violation of state or federal law.
- (n) Possession, use or being under the influence of alcoholic beverages on University-owned or controlled property or at University sponsored or supervised activities.
- (o) Violation of properly constituted rules and regulations governing the use of motor vehicles on University-owned or -controlled property.
- (p) Failure to comply with directions of University officials acting in the performance of their duties.
- (q) Violation of written University policies and regulations as stipulated herein or as promulgated and announced by authorized personnel.

(Rule 1720-5-1-.03, continued)

- (r) Inciting and/or aiding others to violate written University policies and regulations as promulgated and announced by authorized personnel.
- (s) Any act of arson, falsely reporting a fire or other emergency, falsely setting off a fire alarm, tampering with, or removing from its proper location fire extinguishers, hoses, or any other fire emergency equipment except when done with real need for such equipment.
- (t) An attempt to commit or be an accessory to the commission of any act in violation of other Standards of Conduct.
- (u) Violation of local, state, or federal law, whether on or off campus, when it appears that the student has acted in a way which adversely affects or seriously interferes with the University's normal educational function, or which injures or endangers the welfare of any member of the University community. Such violation includes, but is not limited to, violation of state or federal drug laws, commission of or attempt or threat to commit rape, murder, felonious assault, arson or any other felonious crime against person or property.
- (v) Participation of students in hazing activities. "Hazing" means any intentional or reckless act, on or off University property, by one student, acting alone or with others, which is directed against any other student, that endangers the mental or physical health or safety of that student, or which induces or coerces a student to endanger his or her mental or physical health or safety, and includes treatment of a violent, abusive, shameful, insulting, or humiliating nature. Such action is prohibited when connected with initiation into or affiliation with an organization and does not include participation in customary athletic events or similar competition.

Authority: T.C.A. §49-7-123 and Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5, and Public Acts of Tennessee, 1807, Chapter 64. **Administrative History:** Original rule filed September 15, 1976. Repeal and new rule filed May 27, 1986; effective August 12, 1986. Amendment filed October 31, 1990; effective January 29, 1991. Amendment filed November 20, 1990; effective February 27, 1991. Amendment filed September 3, 1992; effective December 29, 1992. Amendment filed June 18, 1996; effective October 28, 1996. Amendment filed January 13, 1999; effective May 31, 1999

1720-5-1-.04 HEARING PROCEDURES.

- (1) Unless otherwise specified in the published policies and procedures of The University of Tennessee at Martin, a student charged with misconduct or who is otherwise entitled to an opportunity for a hearing will, upon his/her request, be provided a hearing in accordance with the following procedures:
 - (a) Notice - A person charged with misconduct will receive written notification of the following:
 1. The substance of the charge(s) against him;
 2. The disciplinary action taken or proposed;
 3. His rights to a hearing should he wish to contest the charge(s) or action;
 4. To whom a request for a hearing should be addressed;
 5. That a request for a hearing must be made within five (5) days of the person's receipt of this notice;

(Rule 1720-5-1-.04, continued)

6. His right to legal or other counsel. If representation by counsel is desired, he must provide notice of his intent to be represented by counsel concurrent with his request for a hearing; in the absence of such notice, the hearing panel will within the dictates of justice, direct either that a hearing proceed without presence of counsel or that the hearing be postponed;
 7. His right to a hearing in accordance with the contested case provisions of the Uniform Administrative Procedures Act, T.C.A. §4-5-108 et seq. In the absence of a voluntary written waiver of his right to a hearing under the provisions of the UAPA, a requested hearing will be conducted in accordance with the University's APA hearing procedures and these procedures shall not apply.
- (b) *Hearing Panel* - A requested hearing will be provided by a panel of individuals or hearing examiner, selected in accordance with policies of UTM or, in the absence of applicable policies or procedures, by the Chancellor (or his designee). The hearing will be conducted by a panel chairman similarly selected. Panel members shall be impartial and anyone lacking such impartiality shall recuse himself or be removed by the Chancellor upon the request of any party to a hearing.
- (c) *Hearing Process* - The chairman of a hearing panel will conduct the hearing, without regard to technical rules of procedures, in such manner as will best serve the cause of justice within the following general guidelines:
1. Each party to a hearing will be afforded a full and fair opportunity to present all evidence, including witnesses, reasonably relating to the charge or action at issue; evidence which is irrelevant, immaterial, repetitious or voluminous may be limited;
 2. The hearing panel will consider all evidence presented, giving due consideration to the credibility or weight of each item presented; technical rules of evidence will not apply;
 3. Each party will have the right to question opposing witnesses;
 4. An appropriate record will be made of the hearing procedures. However, defects in the record will not invalidate the proceedings;
 5. The University will have the burden of proving, by a preponderance of the evidence, the truth of the charge(s) at issue. Where the charge(s) is found to be true, the person charge will have the burden of proving that the disciplinary action taken or proposed is arbitrary, capricious, or unreasonable;
 6. Following the conclusion of the hearing, the hearing panel will consider the evidence and present written findings.
- (d) *Reserved.*
- (e) *Emergency Powers.* When in the judgment of the Chancellor of The University of Tennessee at Martin, conditions are such that an emergency exists which makes it impossible for the system of judicial boards to function, he/she may suspend these procedural regulations. If the procedures are suspended, he/she may substitute for them arrangements for handling disciplinary matters that will insure the orderly functioning of the University and at the same time safeguard the basic rights of the students.

(Rule 1720-5-1-.04, continued)

- (f) *Disciplinary Actions and Penalties.* Disciplinary actions are taken and penalties are assigned by staff members or appropriate committees and councils on the basis of all attendant circumstances. Official notifications are given by the appropriate office, and official records are maintained in the Office of Student Affairs. Efforts are made to keep penalties consistent with those applied in similar cases. However, in recognition of the fact that the University is an educational institution with a rehabilitative point of view, penalties are assessed in accordance with conditions accompanying each offense. The penalties which may be assessed for violation of University regulations are:
1. Loss of Privilege. This penalty may involve loss of scholarships, stipends, right to participate in certain extracurricular activities, etc.
 2. Disciplinary Warning and/or Loss of Privilege. A disciplinary warning and/or loss of privilege is used for minor infractions and consists of a restatement of the regulation violated with an official warning concerning future behavior and/or loss of certain University privileges for a specific period of time.
 3. Disciplinary Probation. Disciplinary probation means that a student is permitted to remain in the University on probationary status. Should a violation of regulations occur during probation, the student may be suspended. Conditions of probation include loss of eligibility to join a student organization and to serve as an officer in a student organization. Other conditions are specific to the individual case and may include ineligibility to participate in certain student activities. Any specific probation conditions are described in a personal letter to the student.
 4. Suspension. Suspension is used in cases of serious misconduct, or violation of probation, and means that the student is required to cancel his registration and is not eligible to apply for readmission for a designated period of time. Usually the period of designated suspension does not exceed one year. (Persons suspended from the University may not return to the campus for the duration of their suspension, except to conduct official business with an administrative officer or faculty member.)
 5. Indefinite Suspension. Indefinite suspension means that a specific date has not been recommended for the readmission of the suspended student. The penalty is used in cases of extremely serious misconduct where the appropriate hearing body desires that evidence of rehabilitation be presented by the student before he or she is readmitted to the University. (Persons suspended from the University may not return to the campus for the duration of their suspension, except to conduct official business with an administrative officer or faculty member.)
 6. Permanent Dismissal.

Authority: *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5 and Public Acts of Tennessee, 1807, Chapter 64. Administrative History:* Original rule filed September 15, 1976; effective October 15, 1976. Amendment filed August 22, 1980; effective December 1, 1980. Amendment filed August 27, 1981; effective November 30, 1981. Amendment filed July 29, 1983; effective October 14, 1983. Repeal and new rule filed May 27, 1986; effective August 12, 1986. Amendment filed October 14, 1990; effective January 29, 1991. Amendment filed January 13, 1999; effective May 31, 1999.

1720-5-1.05 WITHDRAWAL OR TEMPORARY SUSPENSION DUE TO MENTAL OR PHYSICAL PROBLEMS. When a student is unable to effectively pursue his/her academic work, (or when his/her behavior is disruptive to the normal educational processes of the University), or constitutes a threat to members of the University community, due to alcoholism, drug addiction, mental instability or other physical or psychologically incapacitating illness or condition, he/she may be withdrawn or temporarily suspended from the University as hereinafter provided.

- (1) **WITHDRAWAL.** A student may be withdrawn from the University only after an evaluation of his/her mental and physical condition by a panel of at least three persons appointed by the Vice Chancellor for Student Affairs. The student shall be notified of the reasons for the evaluation and given an opportunity to present evidence to the committee. The committee's findings and recommendations shall be forwarded to the Vice Chancellor who will notify the student in writing of his/her decision. A student withdrawn under this procedure shall not be readmitted to the University without the approval of the Vice Chancellor.
- (2) **TEMPORARY SUSPENSION.** Whenever a student, because of his/her mental or physical condition constitutes a danger to persons or property, or when his/her behavior is disruptive to the normal educational processes of the University, he/she may be suspended from the University, for a reasonable period of time, by the Vice Chancellor for Student Affairs or his/her designee. If the University does not withdraw the student in accordance with the procedures outlined above, he/she may return to the University at the end of the suspension period.

Authority: *Public Acts of Tennessee, 1839-1840, Chapter 98, Section 5 and Public Acts of Tennessee, 1807, Chapter 64. Administrative History:* Original rule filed July 29, 1983; effective October 14, 1983. Repeal and new rule filed May 27, 1986; effective August 12, 1986. Amendment filed January 13, 1999; effective May 31, 1999.